

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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TAJI MILLER,

Plaintiff,

Case No. 1:08-CV-1022

v.

Hon. Gordon J. Quist

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER AND JUDGMENT**  
**APPROVING REPORT AND RECOMMENDATION**

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on January 8, 2010. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed January 8, 2010, is approved and adopted as the opinion of the court.

**IT IS FURTHER ORDERED** that this case is remanded pursuant to sentence four of 42 U.S.C. § 405(g) for re-evaluation of the medical evidence without consideration of the irrelevant opinion of NP Kirk and to allow the Administrative Law Judge to adequately articulate his analysis of the evidence, including how he determined Plaintiff's RFC.

This case is **concluded**.

Dated: February 5, 2010

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/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE